

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
November 13, 2024
LAURA A. AUSTIN, CLERK
BY: s/A. Beeson
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAKE WOOLWINE,)	
)	
Plaintiff,)	Case No. 7:24-cv-00669
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
DR. BRUCE ST. AMOUR et al.,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendants.)	

Plaintiff Jake Woolwine, proceeding *pro se*, filed this action in the Circuit Court for Roanoke County, Virginia, on September 4, 2024, naming Dr. Bruce St. Amour, Superintendent Cox, and the Western Virginia Regional Jail (“WVRJ”) as Defendants. (*See* Notice of Removal at 1 [ECF No. 1].) On September 27, 2024, Defendant St. Amour removed the action to this Court. (*See id.* at 1–4.) Thereafter, the Court ordered Plaintiff to “notify the court in writing immediately upon plaintiff’s transfer or release” and “provide a new address” under such circumstances. (Order, Sept. 30, 2024 [ECF No. 2].) The Court cautioned Plaintiff that his failure to notify the Court of a change of address would result in dismissal of this case. (*Id.*)

On October 30, 2024, an order mailed to Plaintiff was returned to the Court as undeliverable, indicating that Plaintiff is no longer incarcerated at Western Virginia Regional Jail and providing no forwarding address. (*See* ECF No. 12.) To date, Plaintiff has not provided the Court with an updated address.

Separately, on October 15, 2024, Defendants Cox and Western Virginia Regional Jail Authority filed a motion to dismiss Plaintiff’s claims against them. (*See* Defs.’ Mot. to Dismiss

[ECF No. 8].) Upon receipt of this motion, the Court ordered Plaintiff to respond to Defendants' motion within 21 days, and advised Plaintiff that his failure to respond could result in dismissal of this action.¹ (*See* Notice [ECF No. 10].) More than 21 days have elapsed from the date of the Court's order, and Plaintiff has failed to respond to Defendants' motion.

Because Plaintiff has failed to comply with the Court's orders, the Court will dismiss this action without prejudice under Federal Rule of Civil Procedure 41(b). Plaintiff may refile this action, subject to any applicable statute of limitations, once he is prepared to comply with the Court's orders.

The Clerk is directed to forward a copy of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 13th day of November, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE

¹ The Court notes that it was this notice, issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), that was returned as undeliverable.